

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DONALD BROWN, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:04CV1079 CDP
)	
DAL-MAR TUCKPOINTING, INC.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on plaintiffs' motion for attorneys' fees and costs incurred during post-judgment collection efforts. Defendants have not filed a response and their time for doing so has expired.

On August 26, 2004, plaintiffs filed this action for delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, 29 U.S.C. § 185, and the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1132. On September 27, 2005, I entered judgment in favor of plaintiffs in the amount of \$15,665.34, which included \$450.00 in attorneys' fees and costs through August 16, 2005. Plaintiffs now seek their post-judgment attorneys' fees and costs from the period of September 27, 2005 to the present in the amount of \$2,430.11. The motion will be granted.

Under ERISA, plaintiffs are entitled to the attorneys' fees and costs incurred to collect delinquent contributions. See 29 U.S.C. § 1132(g)(2)(D). There is nothing in the statute that precludes the recovery of post-judgment attorneys' fees and expenses. See Sheet Metal Workers Health & Welfare Trust Fund v. Big D Service Co., 876 F.2d 852, 854 (10th Cir. 1989).


In support of their motion, plaintiffs submit the affidavit of attorney Janine Martin, the associate attorney who worked on the case for plaintiffs. Ms. Martin avers that her firm's standard associate attorney billing rate for delinquency cases was \$140.00 per hour in 2005, \$145.00 per hour in 2006, \$150.00 per hour in 2007, and \$155.00 per hour in 2008. Ms. Martin states that she performed .4 hours of attorney service in 2005, 1.1 hours of attorney service in 2006, 3.7 hours of attorney service in 2007, and 5.7 hours of attorney service through October 31, 2008 in connection with this case, for a total of 10.9 hours of legal service. The total amount of attorneys' fees sought in this motion is \$1,654.00.

Having reviewed the affidavit of Ms. Martin, the billing records, and other supporting evidence, I find that plaintiffs are entitled to attorneys' fees in the amount of \$1,654.00, plus costs in the amount of \$100.00 for fees of the court reporter, \$325.00 for social security number and bank searches and investigative reports, and \$351.11 for fees of the United States Marshal Service, for a total

award of \$2,430.11.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for attorneys' fees and costs [#45] is granted, and plaintiffs are awarded \$2,430.11 in attorneys' fees and costs.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of December, 2008.